

**INDIANA CODE SECTIONS
AMENDED OR REPEALED BY PD 3501, THE "PART B" DRAFT OF
THE 2010 TECHNICAL CORRECTIONS BILL
Prepared for the Code Revision Commission Meeting of December 7, 2009**

(1) AMENDMENTS TO CODE SECTIONS AND CODE SECTIONS ADDED:

<u>SEC.</u>	<u>IC §</u>	<u>Page</u>	<u>Reason for Amendment or Addition:</u>	<u>Effective date:</u>	<u>Person consulted or source of information:</u>
1.	4-2-1-3		Incorrect Code section reference. Subsection (b) of IC 4-2-1-3 provides that "(e)ach elected official of the state is entitled to a housing maintenance allowance ... in addition to the salary provided under <u>section 1</u> of this chapter." Within the chapter IC 4-2-1: section 1 sets the amount of the governor's salary; section 1.5 sets the amount of the salaries of "the state elected officials other than the governor" (who are identified in section 1.5 as the lieutenant governor, the secretary of state, the auditor of state, the treasurer of state, the attorney general, and the state superintendent of public instruction); and section 2 provides that the governor shall be allowed a certain additional amount annually for other expenses but that the expenses of maintaining the governor's mansion shall be paid from funds otherwise appropriated and not from this amount. Then subsection (a) of IC 4-2-1-3 states: "This section does not apply to the governor." And subsection (b) of IC 4-2-1-3 provides for an annual housing maintenance allowance for "(e)ach elected official of the state", but states that this housing allowance is "in addition to the salary provided under <u>section 1</u> of this chapter." Since the salaries of the "elected officials of the state" other than the governor are set by <i>section 1.5</i> rather than by section 1, this SECTION amends IC 4-2-1-3(b) so as to replace the reference to "section 1 of this chapter" with " <u>section 1.5</u> of this chapter".	Upon passage	Bob Rudolph, LSA attorney (original source)
2.	5-28-15-10		Incorrect internal references. The 2009 budget act [HEA 1001(ss), P.L.182-2009(ss)] amended IC 5-28-15-10 by inserting a new subsection (b), converting the last sentence of the former subsection (a) into a new subsection (c), and changing the designation of the former subsection (b) to "(d)". However, two internal references in IC 5-28-15-10 to "subsection (a)" were not changed in accordance with the creation of the new subsection (c) from the last sentence of the former subsection (a). This SECTION replaces those internal references to "subsection (a)" with "subsection <u>(c)</u> ".	Upon passage	
3.	6-1.1-12-9		Nonstandard tabulation. Subdivision (7) of subsection (a) in IC 6-1.1-12-9 contains two clauses. Instead of being designated "(A)" and "(B)", these clauses are designated as "(1)" and "(2)". In keeping with the style prescribed by our	Upon passage	Tom Conley, Administrator, Tax Policy Division,

		Form & Style Manual, this SECTION changes the designation of the clauses from "(1)" and "(2)" to "(A)" and "(B)".		IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
4.	6-1.1-12-11	Nonstandard tabulation. Subdivision (4) of subsection (a) in IC 6-1.1-12-11 contains two clauses. Instead of being designated "(A)" and "(B)", these clauses are designated as "(1)" and "(2)". In keeping with the style prescribed by our Form & Style Manual, this SECTION changes the designation of the clauses from "(1)" and "(2)" to "(A)" and "(B)".	Upon passage	Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
5.	6-1.1-12-13	Nonstandard tabulation. Subdivision (5) of subsection (a) in IC 6-1.1-12-13 contains two clauses. Instead of being designated "(A)" and "(B)", these clauses are designated as "(1)" and "(2)". In keeping with the style prescribed by our Form & Style Manual, this SECTION changes the designation of the clauses from "(1)" and "(2)" to "(A)" and "(B)".	Upon passage	Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
6.	6-1.1-17-1	Reference to a repealed provision. Subsection (f) of IC 6-1.1-17-1 provides that subsection (d) of IC 6-1.1-17-1 " ... does not apply to an adjustment of assessed valuation under <i>IC 36-7-15.1-26.9(d)</i> ." But <u>IC 36-7-15.1-26.9</u> was repealed in 2008. This SECTION amends IC 6-1.1-17-1 so as to insert " (repealed) " after the reference to "IC 36-7-15.1-26.9".	Upon passage	
7.	6-1.1-18.5-1	Definition of a term no longer used. IC 6-1.1-18.5-1 defines the term "unadjusted assessed value" for the purposes of the chapter IC 6-1.1-18.5. But the term "unadjusted assessed value" is no longer used in the chapter IC 6-1.1-18.5 (or anywhere else in the Indiana Code), except in the definition contained in IC 6-1.1-18.5-1. This SECTION amends IC 6-1.1-18.5-1 so as to eliminate the definition of "unadjusted assessed value".	Upon passage	Bob Bond, LSA attorney (original source) Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.

8.	6-1.1-18.5-4.5	Reference to a repealed provision. IC 6-1.1-18.5-4.5 requires the department of local government finance to " ... adjust the maximum permissible ad valorem tax levy of each county and township to reflect any transfer of duties between assessors under IC 36-2-15-5 <i>or</i> IC 36-6-5-2." But IC 36-6-5-2 was repealed in 2008. This SECTION amends IC 6-1.1-18.5-4.5 so as to insert " (repealed) " after the reference to "IC 36-6-5-2".	Upon passage	
9.	6-1.1-37-1	Reference to a repealed provision. IC 6-1.1-37-1 provides that an officer of state or local government who recklessly violates or fails to perform a duty imposed under any of fifteen Code sections listed in IC 6-1.1-37-1 commits a Class A misdemeanor. One of the listed Code sections is "IC 6-1.1-12-8". But <u>IC 6-1.1-12-8</u> was repealed in 2000. Because no criminal prosecution could be brought against an officer of state or local government for violating or failing to perform a duty imposed by a repealed statute, this SECTION amends IC 6-1.1-37-1 so as to eliminate the reference to "IC 6-1.1-12-8"	Upon passage	
10.	6-1.1-37-9	Reference to a provision being repealed. subsections (e) and (f) of IC 6-1.1-37-9 contain two references to "section 10.5 ... of this chapter ". But section <u>10.5</u> (i.e., <u>IC 6-1.1-37-10.5</u>) by its own terms "applies only to property taxes first due and payable in 2004". IC 6-1.1-37-10.5 is being repealed by PD 3501, so this SECTION amends IC 6-1.1-37-9 so as to eliminate the two references to "section 10.5 ... of this chapter ".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys
11.	6-1.1-41-12	Reference to a repealed provision. IC 6-1.1-41-12 allows ten or more taxpayers to file a petition for reduction of a tax levy for cumulative funds " ... if the fund is authorized under ... " any of a number of specified Code sections, one of which is "IC 16-22-4-32". But <u>IC 16-22-4-3</u> was repealed in 1995. This SECTION amends IC 6-1.1-41-12 so as to eliminate the reference to IC 16-22-4-3.	Upon passage	Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
12.	6-3.5-7-25	Reference to a repealed provision. Subsection (e) of IC 6-3.5-7-25 refers to "the homestead credit allowed in the county under IC 6-1.1-20.9". But <u>IC 6-1.1-20.9</u> was repealed in 2008. This SECTION amends IC 6-3.5-7-25 so as to insert " (repealed) " after the reference to "IC 6-1.1-20.9-1".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel,

13.	6-6-1.1-906	Reference to a repealed provision. IC 6-6-1.1-906 refers to "necessary rules and regulations consistent with this chapter and IC 6-3-3-7". But <u>IC 6-3-3-7</u> was repealed in 1989. This SECTION amends IC 6-6-1.1-906 so as to strike "and IC 6-3-3-7".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue
14.	6-8.1-1-8	Reference to a repealed provision. Subsection (c) of IC 6-8.1-1-8 provides that "IC 6-8.1-10-2.1 through IC 6-8.1-10-8 may apply to tax liabilities arising during any period that ends before January 1, 1981, if ..." But <u>IC 6-8.1-10-8</u> was repealed in 1987. This SECTION amends IC 6-8.1-1-8 so as to replace the reference to "IC 6-8.1-10-2.1 through IC 6-8.1-10-8" with "IC 6-8.1-10-2.1 through <u>IC 6-8.1-10-7</u> ". (IC 6-8.1-10-7 immediately precedes IC 6-8.1-10-8 in the Code, and it is still in effect.)	Upon passage	George Angelone & Ed Gohmann., LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue
15.	6-8.1-14-2	Reference to a repealed provision. IC 6-8.1-14-2 requires the Indiana department of state revenue, at its annual public hearing, to "accept proposals from taxpayers ... for changes in statutes and rules to better implement the findings set forth in IC 6-8.1-11-1." But <u>IC 6-8.1-11-1</u> was repealed in 1989. This SECTION amends IC 6-8.1-14-2 so as to replace the reference to "IC 6-8.1-11-1" with a reference to "IC 6-8.1-11-2". The reference to "IC 6-8.1-11-1" must have been included in IC 6-8.1-14-2 by mistake, and a reference to "IC 6-8.1-11-2" must have been intended in instead. IC 6-8.1-11-1 did not include any "findings". It related to the implementation of the article IC 6-8.1, which was added to the Indiana Code in 1980 and, as added, included IC 6-8.1-11-1. IC 6-8.1-11-2, on the other hand, consists entirely of certain general findings made by the General Assembly concerning taxation in Indiana. Moreover, IC 6-8.1-14-2, the section containing the reference to "the findings set forth in IC 6-8.1-11-1", was added to the Indiana Code by the same act (P.L.332-1989(ss)) that added IC 6-8.1-11-2 to the Code and that repealed IC 6-8.1-11-1. It is highly unlikely that the drafters of P.L.332-1989(ss) would have intended to include in IC 6-8.1-14-2 a reference to a section (IC 6-8.1-11-1) that was being <i>repealed</i> by P.L.332-1989(ss). IC 6-8.1-11-2 was the only Code section added by P.L.332-1989(ss) in which the General Assembly made formal findings. IC 6-8.1-11-2 is also the only section in all of IC 6-8.1 setting forth formal findings made by the General Assembly. Title 6	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue

contains only two other sections besides IC 6-8.1-11-2 in which the General Assembly makes formal findings, and the the findings set forth in the other two sections (i.e., IC 6-3.1-4-2.5, which applies only to a taxpayer primarily engaged in the production of civil and military jet propulsion systems, and IC 6-3.1-29-20.7, which applies only to a taxpayer that makes a qualified investment in an integrated coal gasification power plant) are so narrow that it is highly unlikely that the General Assembly, in adding IC 6-8.1-14-2 to the Code, would have intended to require the department of state revenue to "accept proposals from taxpayers ... for changes in statutes and rules to better implement the findings set forth in" either of those two other sections. In short, in IC 6-8.1-14-2's provision requiring the department "accept proposals from taxpayers ... for changes in statutes and rules to better implement the findings set forth in *IC 6-8.1-11-1*", the reference to IC 6-8.1-11-1 must have been an error and the proper way of correcting the error must be to replace "IC 6-8.1-11-1" with "IC 6-8.1-11-2".

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| 16. | 7.1-2-3-20 | Reference to a repealed provision. IC 7.1-2-3-20 empowers the alcohol and tobacco commission "to prohibit or regulate, by rule or regulation, the sale of alcoholic beverages within this state when the sale is being carried on in violation of IC 1971, 24-3-1." But <u>IC 24-3-1</u> , a chapter originally enacted in 1937 and entitled "Fair Trade Act", was repealed in 1978. This SECTION amends IC 7.1-2-3-20 so as to insert " (repealed) " after the reference to "IC 24-3-1". | Upon passage | |
| 17. | 8-1-2.8-6 | Reference to a repealed provision. IC 8-1-2.8-6 contains a reference to "a corporation formed under IC 23-7-1.1". But <u>IC 23-7-1.1</u> , which was entitled the "Not-For-Profit Corporations Act of 1971", was repealed in 1991 by P.L.179-1991 and replaced by IC 23-17, the current nonprofit corporations law. At a minimum, an indication that IC 23-7-1.1 has been repealed should be inserted into IC 8-1-2.8-6 after the reference to IC 23-7-1.1. However, the reference to IC 23-7-1.1 in IC 8-1-2.8-6 concerns the formation of the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" as a not-for-profit corporation under IC 23-7-1.1; the authorization for the formation of the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" under IC 8-1-2.8-6 took effect as of May 1, 1991; and the repeal IC 23-7-1.1 and its replacement by IC 23-17 took effect as of August 1, 1991. Therefore, it would seem logical to assume that the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" may actually have been formed under the new law (IC 23-17) rather than under the old law (IC 23-7-1.1). Consequently, instead of simply striking the reference to "IC 23-7-1.1", this SECTION inserts " (repealed) or IC 23-17 " after the reference to "IC 23-7-1.1" in IC 8-1-2.8-6. | Upon passage | Sarah Burkman,
LSA attorney |

18.	8-1-2.8-17	<p>Reference to a repealed provision. IC 8-1-2.8-17 contains a reference to "a not-for-profit corporation formed under IC 23-7-1.1 and named 'The Indiana Telephone Relay Access Corporation For the Hearing and Speech Impaired'". But <u>IC 23-7-1.1</u>, which was entitled the "The Not-For-Profit Corporation Act of 1971", was repealed in 1991 by P.L.179-1991 and replaced by IC 23-17, the current nonprofit corporations law. At a minimum, an indication that IC 23-7-1.1 has been repealed should be inserted int IC 8-1-2.8-17 after the reference to IC 23-7-1.1. However, the reference to IC 23-7-1.1 in IC 8-1-2.8-17 concerns the formation of the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" as a not-for-profit corporation under IC 23-7-1.1; the authorization for the formation of the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" under IC 8-1-2.8-6 took effect as of May 1, 1991; and the repeal IC 23-7-1.1 and its replacement by IC 23-17 took effect as of August 1, 1991. Therefore, it would seem logical to assume that the "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired" may actually have been formed under the new law (IC 23-17) rather than under the old law (IC 23-7-1.1). Consequently, instead of simply striking the reference to "IC 23-7-1.1", this SECTION inserts "(repealed) or IC 23-17" after the reference to "IC 23-7-1.1" in IC 8-1-2.8-17.</p>	Upon passage	Sarah Burkman, LSA attorney
19.	8-1-2.8-19	<p>Reference to a repealed provision. IC 8-1-2.8-19 provides that the "articles of incorporation of the InTRAC may contain provisions . . . that . . . the members of the InTRAC provide in accordance with IC 23-7-1.1". But <u>IC 23-7-1.1</u>, the "Not-For-Profit Corporations Act of 1971", was repealed in 1991 by P.L.179-1991 and replaced by IC 23-17, the current nonprofit corporations law. At a minimum, an indication that IC 23-7-1.1 has been repealed should be inserted into IC 8-1-2.8-19 after the reference to IC 23-7-1.1. However, the formation of the InTRAC as a not-for-profit corporation under IC 23-7-1.1 was authorized under IC 8-1-2.8-6 as of May 1, 1991, and the repeal IC 23-7-1.1 and its replacement by IC 23-17 took effect as of August 1, 1991. Therefore, it would seem logical to assume that the InTRAC may actually have been formed under the new law (IC 23-17) rather than under the old law (IC 23-7-1.1). Consequently, instead of simply striking the reference to "IC 23-7-1.1", this SECTION inserts "(repealed) or IC 23-17" after the reference to "IC 23-7-1.1" in IC 8-1-2.8-19.</p>	Upon passage	Sarah Burkman, LSA attorney
20.	8-1-6-2	<p>Eliminating a verb created from an obscure noun. Subsection (a) of IC 8-1-6-2 provides that certain utility fees shall be " ... paid into the treasury of the state ... and <i>quietused</i> into an account to be known as the commission public utility fund account." The word "quietused" does not appear in any other section of the Indiana Code, and a Google search for "quietused" conducted on November 18, 2009, did not disclose even one Internet web page or web site containing that word. It appears that "quietused" was a neologism created in the drafting of the 1969 act on which IC 8-1-6-2 is based. Presumably, "quietused" was intended as a verb form of the</p>	Upon passage	

noun "quietus," which is a term that was used in old English law and is defined for purposes of modern law by Black's Law Dictionary (1951) as follows: "A final discharge or acquittance, as from a debt or obligation; that which silences claims." Four Indiana Code sections (IC 5-11-1-13, IC 6-4.1-9-8, IC 12-30-2-13, and IC 20-25-3-15) use the noun "quietus," and in those sections "quietus" seems to refer to a sort of receipt given upon the payment of money as proof of payment received. [IC 5-11-1-13: "Each officer ... who has authority to execute the receipt or *quietus* of the state ... "; IC 6-4.1-9-8(b): "At the end of each month, the state auditor shall issue a *quietus* to the department of state revenue for the money collected ... "; IC 12-30-2-13(b): The superintendent shall ... take a *quietus* from the auditor for the money"; and IC 20-25-3-15(b): "The business manager ... shall issue a *quietus* ... (which) ... alone is sufficient evidence of payment to the board".] Because "quietused" appears not to be commonly recognized as a word, and because IC 8-1-6-2(a) does not indicate who the quietus issuer is to be, this SECTION amends IC 8-1-6-2(a) as follows: "All fees herein prescribed shall be paid into the treasury of the state of Indiana through the secretary of the commission, **a quietus shall be issued**, and ~~quietused~~ **the fees shall be deposited** into an account to be known as the commission public utility fund account."

21.	8-2.1-24-18	<p>Incorrect reference to federal regulation. Subsection (h) of IC 8-2.1-24-18 contains two references to a federal regulation concerning transportation. It reads in part: "For purposes of 49 CFR 395.1(l), 'planting and harvesting season' refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in <u>49 CFR 395.1(l)</u>, as it applies to the transportation of agricultural commodities and farm supplies, is restricted to . . ." These references in IC 8-2.1-24-18 cannot be correct, regardless of whether the character enclosed within parentheses is the number one or the lower case letter "L". Assuming that the character is the number one, 49 CFR 395.1 is divided into paragraphs designated as "(a)" through "(q)". Some paragraphs are subdivided into smaller units, and some of the smaller units are designated as "(1)", but there is no paragraph designated with the number one enclosed within parentheses. Assuming that the character is the lower case letter "L", the paragraph of 49 CFR 395.1 designated with the lower case letter enclosed within parentheses pertains to ground water well drilling operations, not to the transportation of agricultural commodities and farm supplies. The paragraph of 49 CFR 395.1 to which IC 8-2.1-24-18 relates is paragraph (k), which reads as follows (emphasis added):</p> <p>(k) Agricultural operations. The provisions of this part shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:</p> <p>(1) Is limited to an area within a 100 air-mile radius from the source of the commodities or the distribution point for the farm supplies, and</p> <p>(2) Is conducted (except in the case of livestock feed transporters)</p>	Upon passage	Susan Montgomery, LSA attorney (original source)
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during the planting and harvesting seasons within such State, as determined by the State.

This SECTION amends IC 8-2.1-24-18 so as to make it read as follows: "For purposes of 49 CFR 395.1(k)(2), 'planting and harvesting season' refers to . . . The intrastate commerce exception set forth in 49 CFR 395.1(k) . . ."

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| 22. | 9-30-2-8 | References to a repealed provision. Subsections (a) of IC 9-30-2-8 contains a reference to "a domestic corporation or a foreign corporation qualified to transact business in Indiana under ... IC 23-7-1.1" and subsections (b) of IC 9-30-2-8 contains a reference to "a foreign corporation not qualified to transact business in Indiana under ... IC 23-7-1.1. But <u>IC 23-7-1.1</u> , which was entitled the "Not-For-Profit Corporations Act of 1971", was repealed in 1991 by P.L.179-1991 and replaced by IC 23-17, the current nonprofit corporations law. Because both subsection (a) and subsection (b) of IC 9-30-2-8 refer to a corporation's <i>transaction of business</i> under IC 23-17-1.1 rather than to <i>the formation</i> of a corporation under IC 23-17-1.1, this SECTION amends both subsections by striking "IC 23-17-1.1" and inserting " IC 23-17 " in its place. (Under IC 23-17-1-1(a), after July 31, 1993, the new IC 23-17 applies to the transaction of business by corporations that were incorporated under the old IC 23-7-1.1.) | Upon passage |
| 23. | 10-13-3-13 | Reference to repealed provisions. IC 10-13-3-13 provides that the term "no contact order" means an order that prohibits a person from having direct or indirect contact with another person and that is issued under any of the statutes listed in IC 10-13-3-13. Two of the statutes listed in IC 10-13-3-13 are "IC 31-34-17" and "IC 31-37-16". But <u>IC 31-34-17</u> and <u>IC 31-37-16</u> were both repealed in 2002. Because a no contact order cannot possibly be issued under a statute that has been repealed, this SECTION amends IC 10-13-3-13 so as to eliminate "IC 31-34-17" and "IC 31-37-16" from the list of statutes. | Upon passage |
| 24. | 12-7-2-154.8 | Reference to a repealed provision. Subdivision (1) of IC 12-7-2-154.8 recognizes that a certain definition of the term "qualified entity" applies throughout the chapter IC 12-15-2.2. (Subdivision (2) of IC 12-7-2-154.8 recognizes a different definition of "qualified entity" for the purposes of another chapter.) But <u>IC 12-15-2.2</u> was repealed in 2001. This SECTION amends IC 12-7-2-154.8 so as to eliminate the text of subdivision (1). | Upon passage |
| 25. | 12-15-2-0.5 | Reference to a repealed provision. Subsection (b) of IC 12-15-2-0.5 sets forth a list of Code sections and chapters that " ... should not be construed so as to limit health care assistance to ... " a person described in subsection (a) of IC 12-15-2-0.5. Subdivision (17) of IC 12-15-2-0.5(b), the last subdivision in the list, sets forth " <u>IC 12-15-5-3</u> ". But <u>IC 12-15-5-3</u> was repealed in 2007. This SECTION strikes subsection (B)(17) of IC 12-15-2-0.5. | Upon passage |

26.	14-25-15-13	Nonstandard tabulation and unneeded conjunction. Subsection (a) of IC 14-25-15-13 consists of a single sentence that defines the term "product." This sentence is tabulated. The sentence includes a subdivision (1), which is further divided into three clauses, but there is no other subdivision in the sentence. According to the style prescribed by our Form & Style Manual, a sentence that is tabulated should contain at least two subdivisions or else should not be tabulated at the subdivision level. This SECTION revises the tabulation of the sentence in IC 14-25-15-13(a), integrating the former subdivision (1) into the part of the sentence preceding the tabulated elements and converting the former clauses into subdivisions. In addition, this SECTION eliminates the conjunction ("and") that is present at the end of what is now clause (A) because it is unneeded; the "and" at the end of what is now clause (B) is sufficient to indicate that the clauses (which are converted into subdivisions by this SECTION) are in the conjunctive.	Upon passage
27.	20-23-16-3	References to a repealed provision. IC 20-23-16-3 contains two references to IC 20-23-16-2 -- one as "IC 20-23-16-2" and another as "(section) 2 of this chapter". But <u>IC 20-23-16-2</u> was repealed in 2005. IC 20-23-16-3 provides that a plan for the formation of a single community school corporation out of two or more school corporations may provide for the new community school corporation to have a board consisting of nine members. IC 20-23-16-3 refers to IC 20-23-16-2 as one of the statutes under which such a plan might be adopted. The language of IC 20-23-16-3 is prospective; it is not necessary to retain the references to IC 20-23-16-2 because, due to the repeal of IC 20-23-16-2 in 2005, no plan can presently be adopted under IC 20-23-16-2. Therefore, this SECTION amends IC 20-23-16-3 so as to remove the two references to IC 20-23-16-2. This SECTION also replaces the reference to "IC 20-23-16-1" in IC 20-23-16-3 with "section 1 of this chapter" in conformity with the style prescribed by our Form & Style Manual.	Upon passage
28.	20-24-7-13	Incorrect capitalization. The definition in subsection (a) of IC 20-24-7-13 begins as follows: "As used in this SECTION ...". The word "section" should not appear entirely in capital letters. The parts into which a bill or act is divided are SECTIONS (in all capital letters), but the basic unit of the Indiana Code is a section (in lower case letters or with only the first letter capitalized). This SECTION amends IC 20-24-7-13 so as to change "SECTION" into "section".	Upon passage
29.	20-30-7-7	Reference to a repealed provision. Subdivision (2) of IC 20-30-7-7 identifies three Code provisions as statutes under which a student might receive high school or college credit pursuant to an articulation agreement or dual credit provision. One of the Code provisions identified in subdivision (2) is "IC 21-43-3". But <u>IC 20-43-3</u> was repealed in 2007 by P.L.140-2007. The language of IC 20-30-7-7 is prospective; it is not necessary to retain the reference to IC 20-43-3 because,	Upon passage

due to the repeal of IC 20-43-3 in 2007, it is currently impossible for a student to receive high school or college credit under IC 20-43-3. Therefore, this SECTION amends IC 20-30-7-7(2) so as to eliminate the reference to IC 21-43-3.

30.	20-48-1-2	Reference to a repealed provision. Subsection (c)(2) of IC 20-48-1-2 provides that certain school corporations, before issuing bonds to implement solutions to contractual retirement or severance liability, must file "a petition with the department of local government finance under IC 6-1.1-19-8". But <u>IC 6-1.1-19-8</u> was repealed in 2006. This SECTION amends IC 20-48-1-2 so as to insert " (repealed) " after the reference to "IC 6-1.1-19-8".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
31.	22-3-4-13	Incorrect internal references and elimination of reference to criminal actions. [1] The reference to "an action under subsection (c)" in subsection (g) of IC 22-3-4-13 is incorrect. Subsection (c) prescribes the contents of a report that must be made to the worker's compensation board. It is subsection (d) that provides that a person who violates the worker's compensation law commits an infraction and therefore is subject to an action to enforce a statute defining an infraction. This SECTION amends subsection (g) of IC 22-3-4-13 so as to change the reference to "an action under subsection (d)". [2] The reference to "the penalty provisions of subsection (e)" in subsection (h) of IC 22-3-4-13 is incorrect. Subsection (e) of IC 22-3-4-13 provides that the venue for actions initiated under IC 22-3-4-13 lies in the county in which the employee was injured, that the county prosecutor is to "prosecute all such violations" upon request of the worker's compensation board, and that the "violations shall be prosecuted in the name of the state." It is subsection (d) of IC 22-3-4-13 that comes closest to setting forth "penalty provisions" in that it states that certain violations of the worker's compensation law are Class C infractions and that others are Class A infractions, either of which entails a judgment in a certain dollar amount under IC 34-28-5-4. This SECTION amends subsection (h) of IC 22-3-4-13 so as to change the reference to "the penalty provisions of subsection (d)". [3] The word "criminal" appears in the first sentence of IC 22-3-4-13's subsection (e): "The venue of all <u>criminal</u> actions under this section lies in the county in which the employee was injured." Before 1978, IC 22-3-4-13 contained a provision under which a criminal penalty could be imposed on employers. A 1978 act (Acts 1978, P.L.2, SEC. 2210) entirely eliminated the criminal penalty provision but did not remove the word "criminal" from subsection (e). Although IC 22-3-4-13 no longer provides for criminal penalties, it <i>does</i> provide in subsection (d) that an employer violating the worker's compensation law commits a <i>Class C or Class A infraction</i> under	Upon passage	Linda Hamilton, chair, IN Worker's Comp. Board Peggy Piety, LSA attorney

certain circumstances. An infraction is *a civil matter* rather than a criminal matter and, according to Linda Hamilton, the Chair of the Worker's Compensation Board, the Board currently seeks enforcement of the worker's compensation law under subsections (d) and (e) in infraction actions brought against employers by county prosecutors. Therefore, while the other terms of subsection (e) are operative with respect to infraction actions brought under the current law, the word "criminal" in the first sentence of subsection (e) is merely a vestige of the pre-1978 criminal penalty provision. This SECTION removes the word "criminal" from IC 22-3-4-13(e).

32.	23-1-17-3	References to repealed provisions. Subsection (d) of IC 23-1-17-3 contains references to IC 6-8.1-10-8 and IC 22-4-32-22. But <u>IC 6-8.1-10-8</u> and <u>IC 22-4-32-22</u> were repealed by P.L.107-1987, effective August 1, 1987. IC 23-1-17-3 concerns the implementation of the Indiana Business Corporations Law, and some of IC 23-1-17-3's references to other Code provisions include parenthetical statements indicating that the provision was repealed as of a certain date. In keeping with this pattern, this SECTION amends IC 23-1-17-3(d) so as to insert, immediately after the reference to "IC 6-8.1-10-8 and IC 22-4-32-22", the statement " (repealed August 1, 1987) ".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue
33.	23-17-1-1	Reference to a repealed provision. IC 23-17-1-1(a) is a provision of IC 23-17, the current nonprofit corporations law, stating that, after December 31, 1991, IC 23-17 applies to a corporation that was incorporated under "IC 23-7-1.1". IC 23-7-1.1, the former not-for-profit corporations law, was repealed in 1991 and replaced by IC 23-17. IC 23-17-1-1(a) implicitly recognizes that IC 23-7-1.1 has been repealed; its reference to "IC 23-7-1.1" is in no way incorrect. However, it may be helpful to the reader of IC 23-17-1-1(a) to see a direct statement that IC 23-7-1.1 has been repealed. This SECTION amends IC 23-17-1-1(a) by inserting " (repealed) " after the reference to "IC 23-7-1.1".	Upon passage	
34.	24-4.6-1-202	Reference to a repealed provision. IC 24-4.6-1-202 states that "(t)he provisions of IC 1971, 24-5-6 concerning sales at the residence of a consumer shall not apply to consumer credit sales or consumer leases but shall apply to all other sales at the residence of a consumer." But <u>IC 24-5-6</u> , a chapter originally enacted in 1969 and entitled "Rescission of Sales in Homes", was repealed in 1987. This SECTION amends IC 24-4.6-1-202 so as to insert " (repealed) " after the reference to "IC 24-5-6".	Upon passage	
35.	24-9-9-2	Incorrect Code section reference. IC 24-9-9-2 refers to the county recorder's records perpetuation fund as being "established under IC 36-2-7-10(c)." However, it is subsection (d) of IC 36-2-7-10, not subsection (c), that establishes the county recorder's records perpetuation fund. This SECTION amends IC 24-9-9-2 so that, as amended, it will refer to the county recorder's records perpetuation fund as being "established under IC 36-2-7-10(d)."	Upon passage	Ed Gohmann, LSA attorney (original source)

36.	27-1-12.7-10	<p>Reference to a repealed provision. Subdivision (2) of IC 27-1-12.7-10 provides that " ... a funding agreement is not considered a covered policy under <i>IC 27-8-8-1(a)</i> or <i>IC 27-8-8-2.3(d)</i>". [A "funding agreement," as defined in <i>IC 27-1-12.7-1</i>, is a certain type of agreement under which a life insurance company accumulates funds for the purpose of making future payments.] <u>IC 27-8-8-1</u>, one of the two Code sections referred to in <i>IC 27-1-12.7-10(2)</i>, was repealed in 2006 by P.L.193-2006. <i>IC 27-8-8</i> is the chapter of the insurance law concerning the Indiana Life and Health Insurance Guaranty Association, the association that steps in and protects the policyholders of a life insurance company when the life insurance company becomes insolvent. The now-repealed <u>IC 27-8-8-1</u> was a section of <i>IC 27-8-8</i> stating (in its subsection (a)) the types of policies and contracts for which <i>IC 27-8-8</i> provided coverage and stating (in its subsection (b)) the types of policies, plans, and contracts for which <i>IC 27-8-8</i> did <i>not</i> provide coverage. The term "covered policy" is defined in <i>IC 27-8-8-2</i>. Before 2006, the definition in <i>IC 27-8-8-2</i> defined "covered policy" by reference to <u>IC 27-8-8-1</u>: "'Covered policy' means any policy or contract that is of a type described in <i>section 1(a)</i> of this chapter and is not excluded by <i>section 1(b)</i> of this chapter." P.L.193-2006, the 2006 act that repealed <u>IC 27-8-8-1</u>, also added <u>IC 27-8-8-2.3</u>, the section that now states the types of policies and contracts for which <i>IC 27-8-8</i> provides or does not provide coverage. P.L.193-2006 also amended the definition of "covered policy" in <i>IC 27-8-8-2</i> so that it now defines the term "covered policy" by reference to <u>IC 27-8-8-2.3</u>: "'Covered policy' means a: (1) nongroup policy or contract; (2) certificate under a group policy or contract; or (3) part of a policy, contract, or certificate described in subdivisions (1) and (2); for which coverage is provided under <u>section 2.3</u> of this chapter." Because <u>IC 27-8-8-1</u> was repealed in 2006 and because <u>IC 27-8-8-2.3</u> clearly replaced <u>IC 27-8-8-1</u> as the section by which the determination of what is or is not a covered policy is made, this SECTION amends <i>IC 27-1-12.7-10(2)</i> so as to remove "<i>IC 27-8-8-1(a)</i> or", leaving only the reference to "<u>IC 27-8-8-2.3</u>".</p>	Upon passage	Robyn Crosson Chief Deputy Comm. IN Dept. of Insurance
37.	27-1-13-15	<p>Reference to a repealed provision. <i>IC 27-1-13-15</i> authorizes an insurance company to issue a policy of property and casualty insurance to an association composed of the owners of the property within a planned unit development. Subsection (a) of <i>IC 27-1-13-15</i> defines the term "planned unit development" for the purposes of <i>IC 27-1-13-15</i> as " ... a planned unit development provided for in <i>an ordinance adopted under IC 36-7-4-713</i>." But <u>IC 36-7-4-713</u> was repealed in 1995. The 1995 act that repealed <i>IC 36-7-4-713</i> (P.L.320-1995) also added a new definition of "planned unit development" to <i>IC 36-7</i>, the article of the local government law on planning and development. This definition in <i>IC 36-7-1-14.5</i> is the only definition of "planned unit development" in <i>IC 36-7</i>, and it applies throughout <i>IC 36-7</i>. This SECTION amends <i>IC 27-1-13-15(a)</i> so as to provide that "planned unit development", for the purposes of <i>IC 27-1-13-15</i>, has the meaning set forth in <u>IC 36-7-1-14.5</u>. Presently <i>IC 27-1-13-15(a)</i>, by</p>	Upon passage	Robyn Crosson Chief Deputy Comm. IN Dept. of Insurance

defining "planned unit development" as " ... a planned unit development provided for in an ordinance adopted under IC 36-7-4-713", refers to any planned unit development provided for in an ordinance adopted under *the former law* on a planned unit development ordinances. As amended by this SECTION, IC 27-1-13-15(a) will refer to any planned unit development provided for in an ordinance adopted under *the current law* on planned unit development ordinances.

38.	27-8-11-2	Reference to a repealed provision. IC 27-8-11-2 provides that, "to the extent of any conflict between" the chapter IC 27-8-11 and a number of specified statutes, IC 27-8-11 "prevails over the conflicting provision." One of the potentially conflicting statutes specified in IC 27-8-11-2 is "IC 27-8-5-10". But <u>IC 27-8-5-10</u> was repealed in 1985. Because there can be no conflict today between IC 27-8-11 and a statute that was repealed in 1985, this SECTION amends IC 27-8-11-2 by striking the reference to "IC 27-8-5-10".	Upon passage	Robyn Crosson Chief Deputy Comm. IN Dept. of Insurance
39.	27-14-7-9	Reference to a repealed provision. IC 27-14-7-9 provides that "an MIHC (i.e., a mutual insurance holding company) may convert to a stock company under IC 27-1-8-13 as though the MIHC were an MIC (i.e., a mutual insurance company) ". But <u>IC 27-1-8-13</u> , which was originally enacted in 1935 and set forth requirements for the conversion of a mutual insurance company into a stock insurance company, was repealed by P.L.94-1999. IC 27-15, the article on the "demutualization" of mutual insurance companies (i.e., the conversion of mutual insurance companies into stock insurance companies), was added to the Indiana Code by P.L.94-1999 and presumably took the place of IC 27-1-8-13. So it might seem that the reference to "IC 27-1-8-13" in IC 27-14-7-9 could be replaced with a reference to "IC 27-15". However, there is not an exact equivalence between the text of the old IC 27-1-8-13 and the text of the new IC 27-15. Therefore, replacing the reference to "IC 27-1-8-13" in IC 27-14-7-9 with "IC 27-15" would presumably alter the law substantively. This SECTION amends IC 27-14-7-9 merely by inserting " (repealed) " after its reference to "IC 27-1-8-13".	Upon passage	Robyn Crosson Chief Deputy Comm. IN Dept. of Insurance
40.	31-9-2-50	Reference to a repealed provision. IC 31-9-2-50 defines the term "guardian ad litem" for the purposes of a number of statutes identified in IC 31-9-2-50, including "IC 31-16-3". But <u>IC 31-16-3</u> was repealed in 1997 by P.L.197-1997. Because IC 31-16-3 and its uses of the term "guardian ad litem" were removed from the Code in 1997, this SECTION amends IC 31-9-2-50 so as to eliminate the reference to "IC 31-16-3" as a statute for the purposes of which IC 31-9-2-50 defines "guardian ad litem".	Upon passage	
41.	31-16-2-1	Reference to a repealed provision. IC 31-16-2-1 provides that "(p)roceedings under this chapter and <i>IC 31-16-3</i> through IC 31-16-12 must comply with the Indiana Rules of Civil Procedure." But <u>IC 31-16-3</u> was repealed in 1997.	Upon passage	

IC 31-16-2-1 refers to a span of chapters that begins with IC 31-16-3 and continues through IC 31-16-12 ("... *IC 31-16-3* through IC 31-16-12 ..."). Presently, the chapter that immediately follows the repealed IC 31-16-3 in the Code is IC 31-16-3.5. Since IC 31-16-3 has been repealed, IC 31-16-3.5 is now the first effective chapter in the span. Therefore, this SECTION amends IC 31-16-2-1 so as to replace "IC 31-16-3" with "IC 31-16-3.5", making the reference read: "... *IC 31-16-3.5* through IC 31-16-12...".

42.	31-16-2-7	Reference to a repealed provision. IC 31-16-2-7 provides that "(a) responsive pleading or a counter petition may be filed under this chapter or <i>IC 31-16-3</i> through IC 31-16-12." But <u>IC 31-16-3</u> was repealed in 1997. IC 31-16-2-7 refers to a span of chapters that begins with IC 31-16-3 and continues through IC 31-16-12 ("... <i>IC 31-16-3</i> through IC 31-16-12"). Presently, the chapter that immediately follows the repealed IC 31-16-3 in the Code is IC 31-16- <u>3.5</u> . Since IC 31-16-3 has been repealed, IC 31-16- <u>3.5</u> is now the first effective chapter in the span. Therefore, this SECTION amends IC 31-16-2-7 so as to replace "IC 31-16-3" with "IC 31-16- <u>3.5</u> ", making the reference read: "... <i>IC 31-16-<u>3.5</u></i> through IC 31-16-12."	Upon passage	
43.	31-16-2-8	Reference to a repealed provision. IC 31-16-2-8(b) provides that a decree entered in an action for child support " ... may include orders as provided for in <i>IC 31-16-3</i> through IC 31-16-12." But <u>IC 31-16-3</u> was repealed in 1997. IC 31-16-2-8 refers to a span of chapters that begins with IC 31-16-3 and continues through IC 31-16-12 ("... <i>IC 31-16-3</i> through IC 31-16-12 ..."). Presently, the chapter that immediately follows the repealed IC 31-16-3 in the Code is IC 31-16- <u>3.5</u> . Since IC 31-16-3 has been repealed, IC 31-16- <u>3.5</u> is now the first effective chapter in the span. Therefore, this SECTION amends IC 31-16-2-8 so as to replace "IC 31-16-3" with "IC 31-16- <u>3.5</u> ", making the reference read: "... <i>IC 31-16-<u>3.5</u></i> through IC 31-16-12."	Upon passage	
44.	31-19-2-5	Elimination of required quadruplicate filing in situations that will no longer arise. IC 31-19-2-5 provides that a petition for adoption must be filed in quadruplicate (rather than triplicate) if the petition "requests a subsidy". Before 2008, the law contemplated that a petition for adoption might include a request for an adoption subsidy under IC 31-19-26, the former law on adoption subsidies. IC 31-19-26-1 specifically provided that a prospective adoptive parent requesting an adoption subsidy should set forth the request in the prospective adoptive parent's petition for adoption. And if a petition for adoption contained a request, IC 31-19-11-3 required the court to decide in its adoption decree how much the petitioner would receive under IC 31-19-26 and the length of time during which the adoption subsidy would be paid. In 2008, however, P.L.146-2008 (HEA 1001 of 2008) repealed IC 31-19-26, the former law on adoption subsidies, and replaced it with IC 31-19- <u>26.5</u> , which provides for the matter of adoption subsidies to be decided through a written agreement between the prospective adoptive parents and the Department of Child	Upon passage	Ellen Holland Legislative Director, Dept. of Child Services (original source)

Services or through administrative proceedings rather than through the petition for adoption. P.L.146-2008 also amended IC 31-19-11-3, eliminating the authority of the court to determine whether an adoption subsidy would be paid and for how long and, rather, specifically providing that a court considering a petition for adoption may not order payment of any adoption subsidy. Since requests for adoption subsidies are now to be handled exclusively by the Department of Child Services and not by the courts, there is no longer any reason to include a request for an adoption subsidy in a petition for adoption, and no reason to require that a petition for adoption containing such a request be filed in quadruplicate. This SECTION amends IC 31-19-2-5 to eliminate the requirement that a petition for adoption be filed in quadruplicate (rather than triplicate) if the petition "requests a subsidy".

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| 45. | 31-35-1-4.5 | <p>Reference to a repealed provision. Subdivision (2) of IC 31-35-1-4.5 provides that the consent of a putative father to the termination of the parent-child relationship can be irrevocably implied if the putative father files a paternity action and "fails to establish paternity in the paternity proceeding within a reasonable period determined under IC 31-14-21-9 <i>through</i> IC 31-14-21-11". But <u>IC 31-14-21-11</u> was repealed in 1999. IC 31-35-1-4.5(2) refers to a span of sections that begins with IC 31-14-21-9 and continues through IC 31-14-21-11 ("... IC 31-14-21-9 <i>through</i> IC 31-14-21-11"). The Indiana Code sections presently in effect within that span are IC 31-14-21-9, IC 31-14-21-9.1, and IC 31-14-21-9.2. IC 31-14-21-10 and IC 31-14-21-11, which formerly completed the span, were both repealed in 1999. Therefore, this SECTION amends IC 31-35-1-4.5(2) so as to replace "IC 31-14-21-11" with "<i>IC 31-14-21-9.2</i>", making the section read: "... fails to establish paternity in the paternity proceeding within a reasonable period determined under IC 31-14-21-9 <u>through IC 31-14-21-9.2</u>."</p> | Upon passage |
| 46. | 33-36-3-6 | <p>Reference to a repealed provision. Subsection (b) of IC 33-36-3-6 provides that an ordinance violation processed under IC 33-36-3 "... may not be considered for the purposes of IC 33-37-7-5 or IC 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts." But <u>IC 33-37-7-5</u> expired by its own terms as of July 1, 2005, and was repealed in 2006. Because IC 33-37-7-5 has been repealed, no ordinance violation processed under IC 33-36-3 could be "... considered for the purposes of IC 33-37-7-5 ... when determining the percentage of ordinance violations prosecuted in certain courts." Therefore, subsection (b)'s prohibition against ordinance violations being considered "for the purposes of IC 33-37-7-5" is no longer needed. This SECTION removes the reference to "IC 33-37-7-5" from subsection (b) of IC 33-36-3-6.</p> | Upon passage |
| 47. | 34-28-6-1 | <p>Reference to a repealed provision. IC 34-28-6-1 provides that when " ... a person who is not a resident of Indiana ... is arrested or stopped for a misdemeanor violation or infraction under ... " certain specified Code</p> | Upon passage |

provisions, which specifically include IC 14-16-2, " ... (and) not immediately taken to court ... the person may, at the discretion of the officer, be released upon the deposit of a security." However, the chapter IC 14-16-2 was repealed in 2003, and therefore a person can no longer be arrested or stopped for a misdemeanor violation or infraction under IC 14-16-2. This SECTION amends IC 34-28-6-1 so as to eliminate the reference to "IC 14-16-2"

48.	34-44-1-2	Double preposition. Subdivision (1)(B) of IC 34-44-1-2 provides that a court, in a personal injury or wrongful death action, shall allow the admission into evidence of "(1) proof of collateral source payments other than ... (B) insurance benefits <u>for</u> which the plaintiff or members of the plaintiff's family have paid <u>for</u> directly". Clause (B) does not need both prepositions. It should either read, "insurance benefits <u>for</u> which the plaintiff or members of the plaintiff's family have paid directly" or "insurance benefits which the plaintiff or members of the plaintiff's family have paid <u>for</u> directly". This SECTION amends IC 34-44-1-2(1)(B) to eliminate the first "for".	Upon passage	
49.	34-52-2-1	Reference to a repealed provision. Subsection (b) of IC 34-52-2-1 provides that the chapter IC 34-52-2 (concerning the awarding of fees and other expenses in actions involving the state) does not apply to orders or determinations under certain specified statutes, among which is "IC 16-29-1". However, <u>IC 16-29-1</u> , the former law on certificates of need for comprehensive care beds in health care facilities, expired on July 1, 1998, and was repealed in 2001. This SECTION strikes the reference to "IC 16-29-1" in IC 34-52-2-1(b).	Upon passage	
50.	35-41-1-3.4	Definition out of alphabetical order. The chapter IC 35-41-1 sets forth definitions that apply throughout Title 35 and "to all other statutes relating to penal offenses." Generally, each definition is contained within a single section. The definition sections are arranged within the chapter in alphabetical order. (IC 35-41-1-11, which defines the term "forcible felony", is followed by IC 35-41-1-12, which defines the term "governmental entity", etc.) However, IC 35-41-1- <u>3.1</u> defines the term "apartment complex", and it immediately precedes IC 35-41-1- <u>3.2</u> , which defines the term "agency". Therefore, IC 35-41-1-3.1 is out of proper alphabetical order. PD 3103 repeals IC 35-41-1-3.1 and relocates its contents to a new section numbered IC 35-41-1- <u>3.4</u> which will immediately follow IC 35-41-1-3.2 (defining "agency") and immediately precede IC 35-41-1-4 (defining "bodily injury"). This SECTION adds the new section IC 35-41-1- <u>3.4</u> defining "apartment complex".	Upon passage	Andrew Hedges, LSA attorney (original source)
51.	36-2-10-16	Reference to repealed provisions. Subsection (a)(2) of IC 36-2-10-16 refers to "taxes collected under IC 6-5-10, IC 6-5-11, and IC 6-5-12". But the chapters <u>IC 6-5-10</u> , <u>IC 6-5-11</u> , and <u>IC 6-5-12</u> were repealed in 2002. Because taxes are no longer collected under those three chapters, this SECTION amends IC 36-2-10-16 so as to strike "taxes collected under IC 6-5-10, IC 6-5-11, and IC 6-5-12".	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley,

52.	36-6-4-16	<p>Reference to a repealed provision. The second sentence in subsection (e) of IC 36-6-4-16 reads as follows: "An incapacitated (township) executive is entitled to <i>the minimum salary fixed by IC 36-6-8-2</i>, for which no appropriation is necessary." But <u>IC 36-6-8-2</u> was repealed in 1980. In fact, IC 36-6-8-2 never took effect. It was added to the Indiana Code by Acts 1980, P.L. 212, effective September 1, 1981, but it was also repealed by Acts 1980, P.L.125, effective September 1, 1981. IC 36-6-8-2 would have provided for minimum annual salaries of township executives. Its text included a table in which a different minimum township executive salary amount was set for each of ten classes of townships (for class 1, \$7,000, for class 2, \$6,000, etc.). Indiana law does not currently divide townships into classes. <u>IC 36-6-8-2</u> was replaced by IC 36-6-8-2.1. (IC 36-6-8-2.1 was added by Acts 1980, P.L.125, the 1980 act that repealed IC 36-6-8-2.) IC 36-6-8-2.1 provides that a township executive is entitled to the annual salary "fixed under IC 36-6-6-10." IC 36-6-6-10, in turn, simply authorizes the township legislative body to fix the amount of the salary of a township executive; it does not fix a certain amount as a township executive's salary or provide for a certain "minimum" salary. A search of the Indiana Code disclosed no other section that establishes a minimum salary for township executives. Therefore, this SECTION eliminates the second sentence of IC 36-6-4-16(e) because it relates exclusively to the nonexistent minimum salary fixed under a Code section that never took effect.</p>	Upon passage	
53.	36-7-22-18	<p>Reference to a repealed provision. Subsection (a) of IC 36-7-22-18 provides that an economic improvement board established under IC 36-7-22-11 " ... must comply with <i>IC 36-1-9</i> when purchasing materials or equipment." But <u>IC 36-1-9</u> was repealed in 1997. This SECTION simply strikes subdivision (a) of IC 36-7-22-18. IC 36-1-9 was the law governing the purchase or lease of materials by political subdivisions and agencies of political subdivisions. It was replaced by IC 5-22, which (according to IC 5-22-1-1) "applies to every expenditure of public funds by a governmental body". IC 5-22-2-13 defines "governmental body" as including any " ... board ... of ... (a) political subdivision". Presumably, therefore, the new purchasing law, IC 5-22, applies to an economic improvement board established under IC 36-7-22-11 even though there is no provision within IC 36-7-22 specifically stating that it applies.</p>	Upon passage	
54.	36-12-7-8	<p>Reference to a repealed provision. In subsection (a)(2) of IC 36-12-7-8 there is a reference to "a library board established under IC 20-14 in a county ... ". But <u>IC 20-14</u> was repealed in 2005 in the recodification of Title 20 and replaced by IC 36-12. No doubt there are many library boards still in existence that were established under IC 20-14 before it was repealed in 2005, and no doubt</p>	Upon passage	George Angelone, Irma Reinumagi, & Francine Rowley-Lacy, LSA attorneys

there are or will be library boards established under the new article, IC 36-12, into which the contents of the former IC 20-14 were relocated. Therefore, this SECTION amends IC 36-12-7-8(a)(2) to make it read as follows: "a library board established under IC 20-14 **(before its repeal) or this article** in a county ..."

(2) REPEALERS OF CODE SECTIONS:

<u>SEC.</u>	<u>§ Repealed</u>	<u>Page</u>	<u>Reason for the Repeal:</u>	<u>Effective Date of Repeal:</u>	<u>Consulted:</u>
55.	5-1-16-37		Reference to a repealed provision. IC 5-1-16-37 provides that "(i)f approval by the state department of health is required for the acquisition of health facility property under IC 16-29-1, health facility property may not be financed under this chapter without obtaining approval of the project under IC 16-29-1." However, IC 16-29-1, the former law on certificates of need for comprehensive care beds in health care facilities, expired on July 1, 1998, and was repealed in 2001. This SECTION repeals IC 5-1-16-37.	Upon passage	Casey Kline, LSA attorney Brian Carnes, Legislative Affairs State Dept. of Health
	6-1.1-37-10.5		Obsolete provision. Subsection (a) of IC 6-1.1-37-10.5 reads: "This section applies only to property taxes first due and payable in 2004 with respect to a homestead (as defined in IC 6-1.1-20.9-1)". Because 2004 is now long past and IC 6-1.1-20.9-1 has been repealed, this SECTION repeals IC 6-1.1-37-10.5.	Upon passage	George Angelone & Ed Gohmann, LSA attorneys Tom Conley, Administrator, Tax Policy Division, IN Dept. of Revenue Brian Bailey, General Counsel, Dept. of Local Gov. Fin.
	12-7-2-56.5		Reference to a repealed provision. IC 12-7-2-56.5, a section in the comprehensive definitions chapter of Title 12, provides that the term "delinquent", for purposes of IC 12-17-2, has the meaning set forth in IC 12-17-2-1.5. However, the entire chapter IC 12-17-2 -- including the section IC 12-17-2-1.5 -- was repealed in 2006. This SECTION repeals IC 12-7-2-56.5.	Upon passage	
	12-7-2-118.5		Reference to a repealed provision. IC 12-7-2-118.5 a section in the comprehensive definitions chapter of Title 12, provides that the term "inpatient days", for the purposes of IC 12-16-8.5, has the meaning set forth in IC 12-16-8.5-1. However, the entire chapter IC 12-16-8.5 -- including the section IC 12-16-8.5-1 -- was repealed in 2007. This	Upon passage	

SECTION repeals IC 12-7-2-118.5.

16-21-6-4	Reference to a repealed provision. IC 16-21-6-4 provides that a certain notice of intent that was generated under IC 16-29-1 and other reports, documents, and correspondence associated with the notice of intent generated under IC 16-29-1 must be filed by the state department of health along with certain financial reports that a hospital files with the state department of health every year under IC 16-21-6-3. However, IC 16-29-1 expired on July 1, 1998, and was repealed in 20001. This SECTION repeals IC 16-321-6-4.	Upon passage	Casey Kline, LSA attorney Brian Carnes, Legislative Affairs State Dept. of Health
31-9-2-122	Reference to a repealed provision. IC 31-9-2-122 provides that, for the purposes of IC 31-18, the term "substantially similar law" has the meaning set forth in IC 31-18-1-22. But <u>IC 31-18-1-22</u> was repealed in 1999. Moreover, the term "substantially similar law" is not used in IC 31-18. This SECTION repeals IC 31-9-2-122.	Upon passage	
34-30-2-45.2	Reference to a repealed provision. IC 34-30-2-45.2 identifies IC 12-16-2.5-6.5 as a statute located outside Title 34 of the Code that confers civil immunity. However, IC 12-16-2.5-6.5 was repealed in 2007. This SECTION repeals IC 34-30-2-45.2.	Upon passage	
35-41-1-3.1	Definition out of alphabetical order. The chapter IC 35-41-1 sets forth definitions that apply throughout Title 35 and "to all other statutes relating to penal offenses." Generally, each definition is contained within a single section. The definition sections are arranged within the chapter in alphabetical order. (IC 35-41-1-11, which defines the term "forcible felony", is followed by IC 35-41-1-12, which defines the term "governmental entity", etc.) However, IC 35-41-1- <u>3.1</u> defines the term "apartment complex", and it immediately precedes IC 35-41-1- <u>3.2</u> , which defines the term "agency". Therefore, IC 35-41-1-3.1 is out of proper alphabetical order. PD 3103 repeals IC 35-41-1-3.1 and relocates its contents to a new section numbered IC 35-41-1- <u>3.4</u> which will immediately follow IC 35-41-1-3.2 (defining "agency") and immediately precede IC 35-41-1-4 (defining "bodily injury"). This SECTION repeals IC 35-41-1-3.1.	Upon passage	Andrew Hedges, LSA attorney (original source)

(3) AMENDMENTS TO NON-CODE SECTIONS:

<u>SEC.</u>	<u>Noncode § Amended</u>	<u>Page</u>	<u>Reason for Amendment:</u>	<u>Eff. date of amendment:</u>	<u>Consulted:</u>
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(4) REPEALERS OF NON-CODE SECTIONS:

<u>SEC.</u>	<u>§ REPEALED</u>	<u>Page</u>	<u>Reason for the repeal:</u>	<u>Effective date of repeal:</u>	<u>Consulted:</u>
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(5) EMERGENCY CLAUSE:

56. **An emergency is declared for this act.**